IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 8421 of 2005

Between:

V.R.S. & Y.R.N.College, Chirala, Prakasam District rep. by its Secretary & Correspondent.

..... PETITIONER

AND

1 Government of Andhra Pradesh, rep., by its Principal Secretary, Department of Higher Education, A.P.Secretariat, Hyderabad.
2 Regional Joint Director of Collegiate Education, Guntur.
3 N.Prakasa Rao, Lecturer in Chemistry, V.R.S. & Y.R.N. College, H.No.14-2-15, Visvashanti Nilayam, Behind State Bank of India, Chirala, Prakasam District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of mandamus declaring Memo dated 25-11-2004 and consequential memo dated 24-03-2005 of the 1st respondent as illegal, arbitrary, contrary to the provisions of the A.P.Education Act, 1984, and unconstitutional and consequently set aside the memo dated 25-11-2004 and also set aside the proceedings before the 1st respondent initiated by the 3rd respondent.

Counsel for the Petitioner:MR.B.ADINARAYANA RAO

Counsel for the Respondent Nos.1 and 2: GP FOR HIGHER EDUCATION

The Court at the admission stage made the following O R D E R:

This writ petition is filed to declare the memo dated 25.11.2004 and consequential memo dated 24.03.2005 of the first respondent as illegal and arbitrary.

The petitioner-Management through proceedings dated 17.04.2003 imposed the punishment of reduction of pay scale on the third respondent. Aggrieved by the same, the third respondent filed a revision petition before the Minister for Higher Education. The first respondent through proceedings dated 25.11.2004 stayed the proceedings dated 17.04.2003 and directed the petitioner-Management to release the consequential benefits to the third respondent. Thereafter, the first respondent passed a consequential order dated 24.03.2005 directing the petitioner-Management to implement the orders dated 25.11.2004, failing which, action will be initiated against the petitioner. Hence this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Higher Education.

Whether the punishment imposed on the third respondent is in accordance with the rules and regulations or not is required to be gone into in the pending revision petition. Therefore, directing the petitioner/Management herein to release the consequential benefits at this stage does not arise as long as the revision is pending before the Government. The order of the first respondent insofar as releasing consequential benefits is concerned is set aside.

Accordingly, the writ petition is allowed in part. The first respondent is directed to dispose of the revision petition, in accordance with the rules and regulations, within a period of two months from the date of receipt of a copy of

this order. However, petitioner is at liberty to raise all the contentions before the first respondent. No order as to costs.

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(K.C.BHANU,J)

Dt:15th April, 2005

Note:CC in two days

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To

1. The Principal Secretary, Government of Andhra Pradesh, Department of Higher Education, A.P.Secretariat, Hyderabad.
2. The Regional Joint Director of Collegiate Education, Guntur.

3. Two CCs to G.P. for Higher Education, High Court Buildings, Hyderabad (OUT).

4. Two CD copies.